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EXAMINER

LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
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2176

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10/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/764,323	Applicant(s) CHARI ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/26/2008 has been entered.

Applicant Response

In Applicant's Response dated 09/26/2008, Applicant amended claims 1 and 16-22, added claim 23, and argued against all objections and rejections previously set forth in the Office Action dated 07/31/2008.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20 is considered software per se. Computer programs may be explicitly claimed as, for example, a series of code or instructions for performing functions or may be implicitly claimed as, for example, a system, a module or an apparatus. Where there is no evidence in the

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specification that a means which may be interpreted as software, hardware or combinations thereof necessarily includes hardware, it will be interpreted in its broadest reasonable sense as a software means, which is the case here.

Thus a claim to functional descriptive material, including computer programs, per se, is not patent eligible subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-14, 16, 18-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kyon Holman (Dell OpenManage Network Manager, November 17, 2003), hereinafter "Dell" in view of Helgren et al (US 7,051,243 B2), hereinafter "Helgren" in further view of Domini et al. (US 6085206), hereinafter "Domini" in further view of Ames et al (US Patent 6151567), hereinafter "Ames".

As to independent claim 1, Dell teaches a method for integrated audit and configuration comprising the computer-implemented steps of:

receiving a request from a user to analyze first configuration information with a second set of configuration information; receiving the first configuration information (page 18, Figure 9

- taught as user being able to select two files from a list of files and selecting the compare button);

analyzing one or more parameters of the first configuration information with the second set of configuration information to result in creating and storing comparison information; displaying the comparison information (page 18, Figure 10 - taught as the result of selecting the compare button, the information within each configuration file is compared with each other by displaying a side by side comparison of the two configuration files);

choosing one or more action mechanisms to display to the user for each of then one or more parameters based on the comparison information; and enabling the user to select a displayed action mechanism to perform one or more actions associated with the one or more action mechanisms, based on the user's selection, generating instructions (page 18, Figure 10 □ taught as the “<<” and “>>” buttons which allow the user to navigate through the difference between the two files). Dell, however does not explicitly teach displaying parameters of the first configuration that do not conform with the parameters of the second configuration, choosing action mechanisms for the non conforming parameters based on the comparison information, based on the user's selection, applying changes to the first configuration information, or wherein the action mechanism is a toggle action that has properties and characteristics and performs changes to the first configuration file.

Helgren teaches displaying parameters of the first configuration that do not conform with the parameters of the second configuration (Figures 1-3, 7, 8, column 2 lines 4-10, 13 lines 43-45 – taught as configuration information be evaluated against configuration rules and displaying the

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results regarding the problems identified, all within a user interface). It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Helgren with file comparison of Dell to identify differences, problems, or errors that area present in the first set of information.

Domini teaches choosing an action mechanism for the non-conforming parameter based on the comparison information and based on the user's selection, applying changes to the first configuration (Figs. 3-8, column 1 lines 34-46, column 12 line 59 to column 13 line 9 - taught as words in a document being compared to words in a dictionary to find words that do not conform to existing words in the dictionary. When a non-conforming word is located it is displayed to the user and the user is allowed to select an action associated with the word such a changing the word to update the document with the correct spelling or language). It would have been obvious to one skilled in the art at the time the invention was made to have included the user selection to apply changes to parameters as that of Domini to easily and efficiently correct or change problems or errors in the information file.

While Domini methods are directed to user selection via a mouse to select the alternative values for the parameter, Ames teaches toggle actions, and toggle action mechanisms, and where the step of performing the action associated with a particular toggle action mechanism comprises changing a parameter value associated with the particular toggle action mechanism (column 16 lines 28-41 → taught as user toggling between parameters to update the parameters). It would have been obvious to one skilled in the art at the time the invention was made to have substituted the user selection via a mouse of the parameter values of Domini in combination with Dell and Helgren with the toggling method of Ames to eliminate the need for the additional GUI of

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Domini, but still provide an easy way of correcting or changing the errors/problems in the first file.

As to dependent claim 2, Dell teaches where the second set of configuration information comprises a set of one or more parameter values; and where the step of analyzing one or more parameters of the first confirmation information comprises comparing the values of the one or more parameters in the first configuration information with corresponding parameter values from the set of one or more parameter values from the second set of configuration information (page 18 and 19, Figure 10 - taught as comparing the first configuration file with the second configuration file and highlighting parameters that are different).

As to dependent claim 3, Dell teaches a second set of configuration information and where the step of analyzing one or more parameters of the first confirmation information comprises analyzing the one or more parameters of the first configuration information with the second configuration. However, Dell does not teach where the second set of configuration information comprises a set of one or more rules; and where the step of analyzing one or more parameters of the first confirmation information comprises analyzing the one or more parameters of the first configuration information with respect to the set of one or more rules. Helgren teaches where the second set of configuration information comprises a set of one or more rules; and where the step of analyzing one or more parameters of the first configuration information comprises analyzing the one or more parameters of the first configuration information with respect to the set of one or more rules (column 2 lines 4-7).

It would have been obvious to one skilled in the art at the time the invention was made to have used a configuration file with rules to analyze another configuration file to exclude the user having to have personal knowledge of protocols of the network architecture and allows a user to configure a complex program in order to establish communications over a network (column 1 lines 26-56).

As to dependent claim 5, Dell teaches receiving a second request from the user to perform one action of the one or more actions; and performing the one action (page 18 - taught as the user selecting actions to format, highlight differences and change the views of the configuration files).

As to dependent claim 6, Dell teaches where the second request is one of one or more requests to perform actions, and where the method further comprises the step of performing the one or more corresponding actions based on the one or more requests to perform actions (page 18 - taught as the user selecting actions to format, highlight differences and change the views of the configuration files). However, Dell does not teach where performing the one or more corresponding actions comprises constructing new configuration information based on the first configuration information and each action. Domini teaches wherein the words that are not located in the dictionary can be added for future use (column 12 lines 50-59).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the configuration file of Dell with the modification and the constructing of a new file of Domini to insure that files are maintained with appropriate format, syntax, and parameter values.

As to dependent claims 7 and 8, note the discussion above, Dell as modified by Domini teaches constructing a new configuration file. However Dell does not teach checking the new configuration against an object model of acceptable configurations; if the changes are not acceptable, displaying a summary of problems. Helgren teaches checking the new configuration against an object model of acceptable configurations; if the changes are not acceptable, displaying a summary of problems (column 5 lines 11-26).

It would have been obvious to one skilled in the art at the time the invention was made to have used a configuration file with rules to analyze another configuration file to exclude the user having to have personal knowledge of protocols of the network architecture and allows a user to configure a complex program in order to establish communications over a network.

As to dependent claim 9, Dell teaches where the first configuration information comprises the configuration for a configurable system; the configurable system includes one or more configurable devices (switches); and the first configuration information is for each of the one or more configurable devices; and where the step of receiving the first configuration information comprises obtaining the first configuration information for each of the one or more configurable devices (page 18 and 19).

As to dependent claim 10, note the discussion above, Dell teaches where the second set of configuration information is one set of second configuration information; and where the method further comprises the step of selecting the second set of configuration information based on the request from the user (page 18).

As to dependent claim 11, note the discussion above, Dell teaches where the second set of configuration information is one set of second configuration information; and where the method further comprises the step of selecting the second set of configuration information based on one or more sets of configuration information for a device to be configured (page 18).

As to dependent claim 12, Dell teaches one or more actions. However, Dell in view of Helgren and Domini does not teach toggle actions. Ames teaches toggle actions, and toggle action mechanisms, and where the step of performing the action associated with a particular toggle action mechanism comprises changing a parameter value associated with the particular toggle action mechanism (column 16 lines 28-41 → taught as user toggling between parameters to update the parameters)

It would have been obvious to one skilled in the art at the time the invention was made to have combined the actions of Dell to include toggling of Ames to allow complete flexibility of the configuration file parameters (column 16 lines 37-41).

As to dependent claim 13, Dell teaches one or more actions. However Dell does not teach where the one or more actions comprise one or more fix actions, and the one or more action mechanisms comprise one or more fix action mechanisms, and where the step of performing the action associated with the fix action mechanism comprises changing a parameter value associated with a particular fix action mechanism based on a corresponding parameter value in the second set of configuration information. Domini teaches a fix action mechanism

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(Change) that changes a parameter value associated with a particular fix action based on the parameter value in the second set of configuration information (Figs. 3-8, column 1 lines 34-46, column 12 line 59 to column 13 line 9 - taught as words in a document being compared to words in a dictionary to find words that do not conform to existing words in the dictionary. When a non-conforming word is located it is displayed to the user and the user is allowed to select an action associated with the word such as changing the word to update the document with the correct spelling or language.

It would have been obvious to one skilled in the art at the time the invention was made to have combined the fix action mechanism with changing a parameter value to allow the program to easily be maintained and debugged.

As to dependent claim 14, Dell teaches where the one or more actions comprise one or more user input actions, and the one or more action mechanisms comprise one or more user input action mechanisms, and where the step of performing the action associated with a particular user input action mechanism comprises the steps of: obtaining user input for a parameter value associated with the particular user input action mechanism; and changing the parameter value associated with the particular user input action mechanism based on the user input (page 18 - taught as the user selecting buttons to compare and navigate through configuration files).

As to independent claim 16, claim 16 recites substantially similar subject matter as that of claim 1, and is rejected under the same reasoning in further view of the following:

Dell teaches receiving a second request from the user to perform one action of the one or more actions (page 18 - taught as the user selecting actions to format, highlight differences and change the views of the configuration files). However Dell does not teach where the second set of configuration information comprises a set of one or more rules ; and where the step of analyzing one or more parameters of the first confirmation information comprises analyzing the one or more parameters of the first configuration information with respect to the set of one or more rules and performing the one action, where performing the action comprises constructing new configuration information based on the first configuration information and the one action.

Helgren teaches displaying parameters of the first configuration that do not conform with the parameters of the second configuration (Figures 1-3, 7, 8, column 2 lines 4-10, 13 lines 43-45 – taught as configuration information be evaluated against configuration rules and displaying the results regarding the problems identified, all within a user interface).). It would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Helgren with file comparison of Dell to identify differences, problems, or errors that area present in the first set of information.

Domini teaches choosing an action mechanism for the non-conforming parameter based on the comparison information and based on the user's selection, applying changes to the first configuration (Figs. 3-8, column 1 lines 34-46, column 12 line59 to column 13 line 9 - taught as words in a document being compared to words in a dictionary to find words that do not conform to existing words in the dictionary. When a non-conforming word is located it is displayed to the user and the user is allowed to select an action associated with the word such a changing the word to update the document with the correct spelling or language. Domini teaches wherein the

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words that are not located in the dictionary can be added for future use (column 12 lines 50-59).

It would have been obvious to one skilled in the art at the time the invention was made to have included the user selection to apply changes to parameters as that of Domini to easily and efficiently correct or change problems or errors in the information file.

Dell, Helgren, and Domini all server to compare one set of information with a second set of information in order to identify differences, problems, or errors that are present in the first set of information. Therefore it would have been obvious to one skilled in the art at the time the invention was made to have combined the teachings of Dell, Helgren, and Domini to visually portray errors within a document and provide an easy way of correcting the errors through a user friendly graphical user interface and to insure that the files are maintained with appropriate format, syntax, and parameter values.

As to independent claims 18, 19, 20 and 21 are rejected under the same rationale as claim 16.

As to dependent claim 23, Dell teaches comparing files to analyze the difference of parameters in the files. Dell does not explicitly teach an acceptability mechanism, containing an object model of the constraints of each of the parameters and how they affect the device as a whole; which checks the acceptability of any new configuration including the interrelation of all the parameter values. Helgren teaches a rules based configuration problem detection which analyzes a configuration file against rules that are used to check configuration files to eliminate system errors or problems in the configuration file (column 3 lines 54-59, column 4 lines 29-51). It would have been obvious to one skilled in the art at the time the invention was made to have

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included the rules checking mechanism of Helgren with Dell to identify problems or errors that area present in the first set of information that can affect the operability of the device.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dell in view of Helgren in further view of Domini in further view of Ames in further view of Andrade et al (US Patent 7024660 B2), hereinafter “Andrade”.

As to dependent claim 15, Dell teaches actions and mechanisms. However, Dell does not teach where the actions comprise a wizard action, and action mechanisms comprise one or more wizard action mechanisms, and where the step of performing the action associated with a particular wizard action mechanism comprises the step of running a wizard associated with the particular wizard action mechanism. Domini teaches a wizard (Figs 3 and 4). Andrade teaches a configuration wizard that receives user inputs to lead user through the configuration process (column 12 lines 20-28).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the configuration system of Dell, Helgren, and Domini with the configuration wizard of Andrade to bridge the gap between ease and flexibility (column 13 lines 24-26).

Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dell in view of Helgren in further view of Domini in further view of Ames in further view of Chris Hardie (Computer Security Audit Checklist, 2003), hereinafter “Hardie”

As to independent claim 17, claim 17 recites substantially similar subject matter as that of claim 16 and in further view of the following is rejected under the same rationale.

Dell in view of Helgren in further view of Domini and Ames does not teach security audit and security configurations. Hardie teaches a method providing an integrated security audit and security configuration for a network device (page 1).

It would have been obvious to one skilled in the art at the time the invention was made to have a security audit and security configuration system which includes the comparing configuration system of Dell, Helgren, and Domini to provide a detailed, action-oriented report, empowering the user with insight and advice you need to bring an application security under control.

As to independent claim 22 is rejected under the same rationale as claim 17.

Response to Arguments

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record on PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long
October 20, 2008

/Rachna S Desai/
Primary Examiner, Art Unit 2176